

BOARD OF APPEALS CASE NO. 4837	*	BEFORE THE
APPLICANT: Unclaimed Freight Co., Inc.	*	ZONING HEARING EXAMINER
REQUEST: Variances to permit 2	*	OF HARFORD COUNTY
existing directional signs 24 and 40 square	*	
feet in size in the B3 District;	*	
1024 Joppa Farm Road, Joppa	*	Hearing Advertised
	*	Aegis: 8/12/98 & 8/19/98
HEARING DATE: October 28, 1998	*	Record: 8/14/98 & 8/21/98

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ZONING HEARING EXAMINER'S DECISION

The Applicant is Unclaimed Freight Co., Inc. The Applicant is requesting a variance to Section 219-7(D) and 219-17 of the Harford County Code, to permit two existing traffic control signs large than 4 square feet in a B3 District.

The subject parcel is located at 1024 Joppa Farm Road in the First Election District. The parcel is identified as Parcel No. 240, in Grid 4-F, on Tax Map 64. The parcel contains 16.46 acres, more or less, all of which is zoned B3. The owner of the subject property is Joppatowne G.P. Limited Partnership.

Mr. Dennis Andrews appeared and testified that he is the Vice-President and Secretary of Unclaimed Freight Co., Inc. and the sole shareholder of the corporation. Mr. Andrews said that he is requesting variances to allow two directional signs on the subject property. The witness said one sign will be 3 feet by 8 feet for a total of 24 square feet and the other sign to be located in front of the building will have dimensions of 4 feet by 10 feet for a total of 40 square feet. The witness said that the signs are directional in nature and are necessary because the Applicant's location is not easily visible from the parking lot of the shopping center due to the configuration of the buildings in the shopping center. The witness said the signs do not impede traffic flow within the parking area and that he has obtained permission from the owner of the shopping center to locate the signs.

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Mr. Andrews said that denial of the variance would cause an unnecessary hardship because it is difficult to see the Applicant's location and the directional signs are necessary to direct customers to the Unclaimed Freight Company location. The witness also said he did not feel that the variance would have a detrimental impact on adjacent properties or materially impair the purpose of the Code because the owner of the property has approved the Applicant's request and no one appeared to testify in opposition to the request.

The Staff Report of the Department of Planning and Zoning recommended conditional approval and no protestants appeared in opposition to the Applicant's request.

CONCLUSION:

The Applicant is requesting variances to Section 219-7(D) and Section 219-17 of the Harford County Code to allow two signs on the subject property. Section 219-7(D) provides:

"The following types of signs are exempt from all the provisions of this chapter, except for construction and safety regulations and the following standards:

- D. Private traffic control: signs directing traffic movement onto a premises or within a premises, not exceeding four (4) square feet in area for each sign. Illumination of these signs shall conform to Section 219-11 hereof."

Section 219-17 provides:

"The Board may grant a variance from the provisions of this chapter if, by reason of the configuration or irregular shape of the lot or by reason of topographic conditions or other exceptional circumstances unique to the lot or building, practical difficulty or unnecessary hardship results. The Board shall, before granting the variance, make a written finding as part of the record that the conditions or circumstances described are unique to the lot or building, that the conditions or circumstances cause the difficulty or hardship and that the variance can be granted without impairment of the purpose and provisions of this chapter."

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The uncontradicted testimony of the Applicant's witness was that the configuration of the subject parcel and the location of the Applicant's building were exceptional circumstances which required the Applicant to locate the signs so that customers could located the Unclaimed Freight Company. The Applicant said one sign would be 24 square feet and the other sign would be 40 square feet in size. No evidence was introduced that the variance would impair the purpose or provisions of the Sign Code and the Applicant indicated that the property owner has approved the size and location of both signs.

It is the finding of the Hearing Examiner that exceptional circumstances exist which will allow location of the proposed signs and the size increase of both signs. Further, it is the finding of the Hearing Examiner that approval of the variance will not impair the purpose or provisions of the Sign Code.

Therefore, it is the recommendation of the Hearing Examiner that the requested variances be approved, subject to the condition that the Applicant obtain all necessary permits and inspections.

Date NOVEMBER 30, 1998

L. A. Hinderhofer
Zoning Hearing Examiner